

PS-10.12, "Shock Incarceration," April 1, 2004

SCDC POLICY/PROCEDURE

Change 1 to PS-10.12, Shock Incarceration 13. NUMBER: PS-10.12

TITLE: SHOCK INCARCERATION

ISSUE DATE: APRIL 1, 2004

RESPONSIBLE AUTHORITY: DIVISION OF YOUNG OFFENDERS

OPERATIONS MANUAL: PROGRAM SERVICES

SUPERSEDES: NONE

RELEVANT SCDC FORMS/SUPPLIES: 18-14, 18-54, 19-11, 19-145, 25-27 (Available from the Division of Young Offenders)

ACA/CAC STANDARDS: 3-4099, 3-4123, 3-4279, 3-4284, 3-4291, 3-4318, 3-4380, 3-4389, 3-4395, 3-4439, 3-4440, 3-4441-1

STATE/FEDERAL STATUTES: South Carolina Code of Laws, 1976, as amended, Sections 24-13-1310 through 24-13-1330; South Carolina Code of Regulations, Section 33-2.

PURPOSE: To establish guidelines for identification, processing, placement, programming, and parole of eligible inmates placed in the Shock Incarceration Program (SIP).

POLICY STATEMENT: The Shock Incarceration Program (SIP) is a program to which eligible inmates are ordered by the Court to participate and serve 90 days in an incarceration facility designated as a "Shock" facility by the Director, SCDC. The program provides rigorous physical activity, intensive regimentation, and discipline, and rehabilitation therapy, and programming as set forth under South Carolina Code of Laws, 1976, as amended, Sections 24-13-1310 through 1330. (3-4395)

SPECIFIC PROCEDURES:

1. GENERAL GUIDANCE/ELIGIBILITY:

1.1 The SIP Coordinator will be responsible for the overall management of the SIP and will report to the Division Director, Young Offender Services. Pursuant to SCDC Policy/Procedure ADM-11.36, "Dual Supervision," all personnel who are working in, or whose official work site is located in, an SCDC institution/center are under the general supervision of the Warden or designee during the time that they are in the institution and will at all times comply with Agency policies/procedures including approved institutional/center rules. See SCDC policy/procedure ADM-11.36, "Dual Supervision," for additional information.

1.2 An inmate ordered by the court for screening to enter the SIP must meet the following eligibility

criteria:

- Must not have reached the age of 30 years at the time of admission to the department;
- Is eligible for release on parole in two (2) years or less (eight (8) years incarcerative or suspended sentence);
- "no parole offense" as defined in Section 24-13-100;
- Has not been incarcerated previously in a state correctional facility or has not served a sentence previously in a Shock Incarceration Program (no prior commitment over 90 days); and
- Is physically and mentally able to participate in the program.

2. EVALUATION FOR PLACEMENT IN SHOCK:

2.1 When an inmate who has been ordered to be screened for the SIP arrives at Kirkland or Graham Reception and Evaluation (R&E) Center, the designated R&E employee will notify the SIP Coordinator, or designee that the inmate has arrived and was ordered to undergo an evaluation for possible placement in the SIP. The SIP Coordinator or designee will log the arrival date of the inmate and authorize the R&E to proceed with the evaluation process.

2.2 The R&E will schedule the inmate to undergo a comprehensive physical and psychological examination. These tests must be completed within 15 working days and the SIP Coordinator or designee must receive the documentation within that time frame to inform the court of the inmates eligibility or ineligibility. The R&E will start an application, SCDC Form 18-54, "Application for Court Ordered Shock Incarceration," on the inmate and obtain necessary information including parole address, test scores, and medical evaluation. An inmate will not be allowed to participate in the program unless s/he agrees to be bound by all the terms and conditions and indicates this by reading and signing the "Voluntary Agreement Statement" on Form 18-54. The R&E will provide the following information to the SIP Coordinator or designee within three working days of the inmates' arrival for review.

- All commitment orders;
- NCIC/SLED or FBI criminal information data sheet; and
- Copies of all detainers, holds, and notifies

2.3 The SIP Coordinator or designee shall review all information on inmates to verify that eligibility criteria and sentencing guidelines were met. 2.4 Upon receipt of approved medical and psychological evaluations and verification of eligibility criteria, the SIP Coordinator or designee will prepare a report to the sentencing judge indicating the date the inmate will start the program. If an inmate is determined to be ineligible, the SIP Coordinator or designee will notify the sentencing judge of the reason and have the inmates placed in a non-shock facility.

2.5 All evaluations for shock inmates must be completed within 15 working days and the results reported to the court. (3-4099)

3. ORIENTATION: Inmates approved for placement in the SIP will be assigned for a minimum of 90 days to a facility designated by the Director of the SCDC as a shock incarceration facility. Within 24 hours of arrival at the Shock Incarceration Unit (SIU), each inmate will receive an orientation that includes information on the following topics (additional topics may be added to the orientation as needed): 3.1 Visitation from immediate family members will be authorized after successful completion of the first four (4) weeks of the program (the first Sunday after 28 days). Holiday visits will be permitted as determined by the SIP Coordinator, Unit Captain, or designee. Approved visitors are not allowed to wear blue jeans and must meet the requirements as outlined in SCDC Policy/Procedure OP-22.09, "Inmate Visitation." (3-4440, 3-4441-1)

3.2 Phone Calls will be authorized after successful completion of the first four weeks of the program. After successful completion of four (4) weeks in the Shock Program, one collect call may be placed weekly as outlined in the SIU procedures. Emergency and legal calls may be made at a designated time, with the approval of the Program Coordinator or designee. Inmates will be allowed to place verified telephone calls to their legal counsel. For purposes of these procedures, "legal counsel" may consist of the inmate's attorney of record and/or paralegal(s). Inmate requests for attorney calls require 24-hours advance notice to allow for staff verification. Inmates will use SCDC Form 19-11, "Request to Staff Member," for this purpose. (See SCDC Policy/Procedure GA-01.03, "Inmate Access to the Courts," for additional guidance on when inmates may be allowed to call their legal counsel.) Attorney calls will be dialed by a staff member. Once verified, the call will not be monitored. Any deviation of this procedure will be documented in the inmate's record. (3-4439)

3.3 Money is contraband and no form of money is to be in the inmates possession. See SCDC Policy/Procedure ADM-15.12, "E. H. Cooper Account," for more information. (3-4279)

3.4 Personal Property: Each inmate is allowed to possess the following personal items:

- Three (3) letters;
- Two (2) pictures; and
- Personal hygiene items/correspondence supplies purchased from the canteen or provided as part of the indigent hygiene pack; (3-4279)

3.5 Rules and Regulations for SIU: A "Shock Incarceration Handbook" will be issued to each inmate. Inmates who do not understand the handbook contents will have the rules and regulations read to him/her by a staff member. Inmates have to sign an acknowledgment stating that they understand the Handbook. Inmates will also be informed that they have access to non-restricted SCDC Policies/Procedures. (3-4279)

3.6 Parole addresses are required prior to release to aid in parole supervision by the Department of Probation, Parole, and Pardon Services (DPPPS). The SIP Coordinator will coordinate with DPPPS to schedule time for a representative from DPPPS to provide new inmates with an orientation about parole requirements and address verification. This orientation will normally be accomplished within seven (7) working days of the inmate's arrival. (3-4099)

3.7 Daily Schedules for work, physical training, education, and life skills programs will either be made available to the inmates or appropriate instructions will be issued by the officers. Normally, schedules will be posted in platoon common areas.

3.8 Program Extension and Removal Procedures: A complete orientation in the disciplinary and medical extension and removal process will be given to each new inmate.

3.9 Personal Hygiene: Rules for cleanliness of living areas, clothing, appearance, and personal hygiene will be included in the "Shock Inmate Handbook."

3.10 Shock inmates will be administered the Test of Adult Basic Education ("TABE) test as soon as practical after arriving at the unit. This educational assessment will determine the educational level of the inmate and will be used to determine the inmate's proper placement in school.

3.11 All shock inmates will undergo a program orientation and program assessment administered by the clinical counselors on the third (3rd) day of orientation. Information obtained at the assessment will be utilized to formulate individual treatment plans for the inmates.

4. UNIFORMS: Inmates in the shock program will wear only state-issued clothing. Standard work uniforms will consist of blue jeans with white stripe down the side of each leg and a blue shirt with "SCDC" stenciled on the back. This uniform combination ensures the easy recognition of shock inmates to enforce the strict separation guidelines required by law. Work boots will be issued for all non-athletic activities. Caps, gloves, eye and ear protection, steel-toe boots, and other safety apparatus will be worn as appropriate/required by the Occupational Safety and Health Administration (OSHA). (3-4318)

5. SAFETY: Safety training for operation of equipment and handling of chemicals will be conducted and documented prior to any inmate being allowed to perform duties requiring one of these activities. See SCDC Policy/Procedure ADM-16.03, "Occupational Safety and Health," or contact the Division of Compliance, Standards and Inspections for additional information.

6. WORK ASSIGNMENTS: All shock incarceration participants will be given specific work assignments relevant to the demands of the SIU in which the inmate is housed. Length of time served in the program will be a factor in determining work assignments. All requests from outside SCDC for assistance in providing labor from an SIU must be submitted in writing on the "Request for Job Approval" (Shock) form to the SIP Coordinator, who will determine if requests by non-SCDC entities can be fulfilled.

7. **PROGRAM PARTICIPATION:** Program participation will include involvement in life-skills groups pertaining to those skills necessary to enhance opportunities for success when released. Topics will include, but not be limited to:

- Job seeking and keeping skills;
- Substance abuse education;
- Family relationships;
- Communication skills;
- Financial management;
- Decision-making and goal-setting;
- Pre-release/pre-parole planning;
- Sexually-transmitted diseases; and
- Gender responsive topics (will be included in units as appropriate). (3-4380, 3-4389)

8. **EDUCATION:** Education is mandatory for all inmates participating in the SIP. Individual levels of instruction will be based on program TABE test scores. Inmates who have earned a high school diploma, GED, or higher will work on their weakest subject areas (i.e., math, reading, etc.), tutor remedial groups, and be used as literacy tutors. Inmates will attend school five (5) days a week, three (3) hours per day. (3-4395)

9. **PHYSICAL TRAINING:** Physical training (PT) will be conducted on a daily basis. Participation will be based on the fitness level and medical condition of the inmate. After an initial test to determine the inmates level of conditioning, PT will be increased progressively during the 90-day cycle. Performance evaluations prior to program completion will be measured on a standardized scale. Safety and health are foremost considerations. If an inmate complaints that s/he is unable to continue PT or exhibits signs of overexertion, the officer will have the inmate stop the PT exercises. The officer will contact medical for additional guidance.

10. **DRILL AND CEREMONY:** Drill and ceremony will be taught in all units to teach program participants to work and move in an organized cooperative assemblage. Inmates will march to all work assignments, classes, and work details.

11. **DISCIPLINARY PROCESS:**

11.1 The SIP Coordinator or designee will establish a Unit Management Committee (UMC) responsible for reviewing evaluations and hearing disciplinary cases. Each committee will be comprised of no less than three (3) of the following:

- SIP designee;
- Field Lieutenant/Lieutenant/Senior Sergeant available;
- Clinical Counselor; and/or
- Platoon Officer or designated Security Officer.

11.2 Disciplinary infractions of a minor nature may be corrected by means of counseling, reprimands, extra duty, loss of privileges, corrective physical training, or other in-house actions in accordance with

established shock incarceration disciplinary guidelines. Normally, extra duty or loss of any privilege must be approved by the SIP Coordinator/designee or result from a UMC disciplinary hearing. Emergencies may occur where the senior officer on duty must stop a privilege in process or cancel all privileges for the safety and security of the unit.

11.3 Repeat or major disciplinary infractions will be referred to the UMC. The accused inmate should be present at the UMC hearing unless s/he waives attendance. After reviewing all pertinent information concerning the infractions, the hearing committee may:

11.3.1 Administer extra duty or physical training, take privileges, reprimand, or take other in-house actions in accordance with established shock incarceration disciplinary guidelines. 11.3.2 Recommend to the SIP Coordinator that the inmate be extended in the program to allow for successful completion. One hundred twenty days in the SIP is the maximum time allowed by law.

11.3.3 Refer the inmate to the SIP Coordinator for removal from the program and assignment to an appropriate non-shock institution to complete the original incarcerative sentence. Prior to a removal hearing, an inmate will be interviewed by a clinical counselor for the purpose of evaluating the inmate. Unit referrals must be made through medical to obtain a counselor, unless a counselor is already working with the inmate on an individual basis.

11.4 An inmate may also be extended in or removed from the program based on non-disciplinary occurrences such as:

11.4.1 A period of absence due to placement in SMU for disciplinary reasons or extended court appearance. The time missed in the program will result in an extension to ensure 90 days participation in the program. 11.4.2 A medical/mental disability when the inmate is transferred to an appropriate institution to receive medical care. If the absence is no longer than 30 days, the inmate will be returned to shock and complete the balance of his/her 90-day shock sentence. The time missed in the program will result in an extension to ensure that the inmate participates in the program for at least 90 days.

11.4.3 If it is determined that an inmate is unable to complete the shock program for medical reasons, the clinical counselor or appropriate personnel will inform the inmate of his/her status. SCDC Form 25-27, "Order of Shock Incarceration Removal," with the medical documentation attached must be forwarded to the Director, Division of Young Offender Services for approval. The SIP Coordinator or designee will inform the court in writing of the findings. The time missed in the program will result in an extension to ensure 90 days participation in the program. The day the inmate departs from and the date s/he returns will count as program days.

11.4.4 If an inmate is temporarily removed from the shock program for mental health observation, the appropriate paperwork will be completed by the clinical counselor and forwarded to the SIP Coordinator. The counselor will continue to monitor the inmate at the inmate's current institution during this period, up to 30 days. If the absence is no longer than 30 days, the inmate will be returned to shock to complete the

balance of his/her 90 day shock sentence. If the absence is longer than 30 days, the inmate will be processed for removal from the shock program. The time missed in the program will result in an extension to ensure that the inmate participates in the program for at least 90 days. The day the inmate departs from and the date s/he returns will count as program days.

11.4.5 Conviction for an ineligible offense or a sentence creating a parole date in excess of two years;

11.4.6 No verifiable address for release on parole;

11.4.7 Failure of an external agency who holds an active warrant (i.e., County Sheriff, DPPPS, etc.) to pick up an inmate before 12:00 AM on the inmates scheduled parole date.

11.5 In all cases, if a disqualifier is corrected, the inmate will be considered for reinstatement in the program and/or release upon the completion of 90 days (or an appropriate extension up to 120 days).

12. SHOCK INCARCERATION REVIEW COMMITTEE: 12.1 Each inmate participating in the SIP will be evaluated monthly to monitor his/her progress throughout the program. Evaluations will be completed by designated staff members in security, work, education, fitness, training, drill, and programs. At the end of the program, a final evaluation will be completed indicating the inmates overall success. (3-4123, 3-4284)

12.2 The SIP Coordinator or designee will enter each new participants name on the evaluation form (SCDC 19-145, "Inmate's Work Performance Report") during orientation. Each new platoon will have evaluations filed in a shock folder labeled with each inmate's name, number, and dates for the scheduled evaluation reviews.

12.3 When the inmate starts his/her fourth, eighth, and eleventh week of the program, the program assistant will distribute the forms to the following staff members for evaluation in their areas.

- Physical training Sergeant - complete section 1 on form
- Clinical Counselor - complete section 2 on form
- Education - complete section 3 on form
- Field Lieutenant/Sergeant - complete section 4 on form
- Barracks Sergeants - complete section 5 on form

12.4 When completed evaluations are received from the staff, the second shift sergeant will place the forms in the appropriate file indicating the current evaluation phase of the inmate (i.e., First, Second, or Third). Completed evaluations from each phase will be prepared for review by the Shock Case Management Review Committee.

12.5 The Shock Program Review committee will be comprised of the following shock staff members:

- SIP Coordinator or designee
- Clinical Counselor

- Field Officer
- Platoon Officer (Drill Instructor)
- Education Representative

12.6 The committee will be chaired by the SIP Coordinator. The committee will review all aspects of the inmates participation of the program. Areas covered at each review will include:

- Discipline - inmates behavior during rating period;
- Work - ability to work and quality of work;
- Physical Training - participation in the PT program;
- Drill and Ceremony - participation in drill and ceremony;
- Personal Hygiene and Living Area Inspection - personal grooming and maintaining barracks standards for living area;
- Education - participation in class, completion of assignments and behavior;
- Program - inmates participation in mandatory life skills, alcohol and drug classes, behavioral modification, etc.

12.7 The members of the Review Committee will discuss the evaluation with the inmate. Any area of achievement will be noted as well as areas that are deficient. The inmate will be informed of ways to improve deficiencies and will be commended for his/her achievements during the rating period. At the conclusion of the Review Committee, the SIP Coordinator, and the inmate will sign the evaluation. The inmates signature will acknowledge that s/he understands the recommendations and evaluation results presented by the committee. A copy of the evaluation will be placed in the Central shock file at Central Office and in the inmates institutional record.

12.8 At the conclusion of the inmates participation in the SIP, SCDC Form 18-14, "Shock Incarceration Final Evaluation," will be completed by designated staff members in each of the program areas and security. The final evaluation will be completed during the last week of the inmate's 90-day cycle. Inmates who are extended will have their evaluations moved to the final week of the extension.

12.9 The Review Committee will use the same procedure as outlined in paragraphs 12.6 and 12.7, above, and recommend the inmate for parole if all the evaluation standards receive a minimum rating of "satisfactory". If any area is less than "satisfactory," the inmate may be extended a minimum of one week to correct those areas and will be reviewed again at the end of the extension for parole consideration. An inmates may be extended up to a maximum of 30 days to correct deficiencies in any area. Each extension will be a maximum of 15 days. If the inmate does not progress in the deficient areas after the maximum number of extensions, s/he may be recommended for removal by the committee.

12.10 An inmate who satisfactorily completes all program requirements on the final evaluation will be recommended for parole by the committee. Completed evaluations will be signed by appropriate staff members for each area and forwarded to the SIP Coordinator for distribution. The SIP Coordinator will review final evaluations and distribute copies as follows:

- Original - Shock Incarceration File
- Copy - Institutional Record (3-4291)

13. Conditional Release: The Shock Program Review Committee will review inmates who have projected release dates. The review will consist of a record audit to ensure that all sentence and program requirements have been met, that victim/witness notification requirements are completed, and that all detainer(s) and outstanding changes and/or pending disciplinaries are satisfactorily addressed. The Shock Program Review will consist of a review of the YOA inmate's central record, SCDC Form 25-25, "Discharge Summary," and a review of the disciplinary screen for recent disciplinaries. An address inquiry will ensure that the inmate has an approved residence plan and verify that the inmate has completed all requirements for the Shock Incarceration Program.

13.1 Upon approval a tentative drop list will be distributed to institutions/facilities from the Shock Program Director or designee who have been approved for release.

13.2 Information will be provided verbally and in writing by using the "Certificate of Release" form which is provided by the South Carolina Department of Probation, Pardon, and Parole Services. Each inmate will acknowledge receipt of this information by signing in the appropriate section of the "Certificate of Release."

13.3 Should there be changes in an inmate's status, the institution/facilities will immediately notify the Program Director for Shock or the Division of Young Offender Services. Operations will be notified if the Division of Young Offenders has made changes to inmate's release status.

13.4 No Shock Incarceration inmate will be released without official notification (a drop list). If there are changes that are not reflected on the drop list a message will be sent from the Program Director or Designee from the Division of Young Offender Services. 14. PAROLE:

14.1 Inmates who successfully complete the SIP will be paroled for the remainder of their sentence, or if sentenced under the Youthful Offender Act, conditionally released under supervision until completion of the sentence conditions. Prior to parole a list of those persons scheduled for release will be provided for notification purposes to appropriate officials to include the South Carolina Department of Probation, Parole, and Pardon Services and the SCDC Victim Witness liaison, Offender Records, and the Division of Young Offender Services. (3-4099)

14.2 Parole Eligibility - Shock incarceration inmates earn their release to parole by meeting the following criteria:

14.2.1 Complete all programmatic obligations with a rating of "satisfactory" or better in each graded component; 14.2.2 Unanimous recommendation by the Shock Case Management Review Committee for parole;

14.2.3 Approved address/sponsor verified by an agent of the South Carolina Department of Probation, Parole, and Pardon Services in the inmate's county of residence;

14.2.4 Completion of release orientation by Parole Agent and inmate's signature acknowledging his/her understanding of parole obligations, rules, and supervision on the appropriate section of the condition of release.

14.2.5 Preparation and review of a release plan approved by the clinical counselors assigned to the Shock Incarceration Unit. The release plan will be signed by the counselor and the inmate.

15. DEFINITIONS:

Case Management Review Committee refers to a panel of staff members from each program element (education, security, work, programs, and physical training) that will review each inmate's progress on a regularly scheduled basis.

Eligible Inmate refers to an inmate ordered by the court who meets all eligibility criteria for acceptance in the SIP.

Extension refers to a lengthening of the time an inmate must serve past their 90 day parole date for disciplinary infractions or failure to comply with program requirements. An inmate may be extended up to 30 days to correct deficiencies in any area. Each extension will be a maximum of 15 days.

Fifteen Day Evaluation refers to a time limit established by South Carolina Code of Laws, 1976, as amended, Section 24-13-1310, to evaluate inmates ordered by the court to be screened for shock. Inmates must be assessed by the R&E staff and be found medically and psychologically capable of participating in the program. The SIP Coordinator or designee will review all sentences and determine if the inmate meets the criteria of a non-violent, first-time offender, age, and prior criminal history. A report is completed on

each inmate and returned to the sentencing judge indicating the inmate's eligibility or disapproval.

Immediate Family refers to an inmate's mother, father, legal guardian, children (to include adopted), sister, brother, grandmothers, grandfathers, wife, husband, common-law spouse, stepparents, and stepchildren.

Parole Address refers to an address that has been approved by the South Carolina Department of Probation, Parole, and Pardon Services prior to an inmate's parole date. Inmates who have provided addresses that have not been approved will be extended up to an additional 30 days pending address approval. The inmate will be returned to the R&E Center and will be sent to an appropriate institution. After reassignment, the inmate may be paroled with address approval.

Physical Training Program refers to a physical fitness regimen based on the US Army Field Manual 21-20 and designated as a component of the SIP under Section 24-13-1310 (2). Physical training is evaluated by officers specifically trained by the US Military Police School Rehabilitation Training Instructor Course.

Privileges refers to phone calls, visitation, canteen, and restricted television viewing that may be earned by shock inmates through proper behavior and rules compliance.

Program Evaluation refers to an instrument used to measure each Shock participants progress through the 90 day program.

Program Removal refers to removal from the Shock Program because of non-compliance with program directives, excessive disciplinaries, or major rules violations. Inmates removed from the shock program will be placed in an appropriate SCDC institution to complete their sentences as imposed by the Court.

Progressive Discipline refers to the process in which the inmates are given various sanctions to correct minor rules infractions or behavioral problems. Progressive discipline consists of verbal reprimand, on the spot corrective measures such as physical training, extra duty, loss of privileges, program extension, and program removal. Commitment documents will be closely checked by Classification for orders to return the inmate to court for re-sentencing.

Shock Incarceration Program (SIP) refers to a 90 day program established under the South Carolina Code of Laws, 1976, as amended, sections 24-13-1310 through 1320 for first time, non-violent offenders who meet the eligibility requirements.

Unit Management Committee (UMC) refers to a Disciplinary Board headed by the SIP Coordinator or designee. The disciplinary board hears charges against inmates and resolves them with sanctions established under shock progressive disciplinary system. These sanctions include: loss of privileges, extra duty, combination of loss of privileges and extra duty, and recommendation for disciplinary extensions up to 30 days or for program removal. (3-4123)

SIGNATURE ON FILE

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s/Jon E. Ozmint, Director

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